



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN J. BROOKS,

Plaintiff

-against-

WILDLIFE CONSERVATION  
SOCIETY,

Defendant.  
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08 Civ. 4370 (JGK) (HBP)

ORDER

PITMAN, United States Magistrate Judge:

A conference having been held in this matter on November 6, 2009 during which various discovery disputes were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that:

1. Plaintiff's application to compel defendant to produce the personnel files of Stephen Carey, Tom McGrath, Joanne Carrillo, Nicole Shelmadean, Stephen O'Shea, and Dominick Dorsa is granted to the extent the personnel files contain documents reflecting the education, experience, and performance reviews of these individuals. Defendant's production obligation with regard to performance reviews shall be limited to material from 2004 or after. Plaintiff's application to compel production of documents reflecting discrimination complaints against Carey, McGrath,

Carrillo, Shelmadean, O'Shea and Dorsa is denied.

Plaintiff's application to produce the personnel file of Patricia Cole is denied in its entirety.

2. Plaintiff's application to compel defendant to produce documents reflecting William Hargrove's salary is granted.

3. Plaintiff's application to compel defendant to produce documents reflecting Kenneth Norris's salary increase is granted.

4. Plaintiff's application to compel further deposition testimony from Patricia Cole regarding any personal relationship she may have had with Tom McGrath is denied.

5. Plaintiff's application to continue the deposition of Patricia Cole with respect to plaintiff's performance is granted. The continuation of the deposition shall take place telephonically.

6. Defendant's application to continue plaintiff's deposition to inquire further about the circumstances of plaintiff's termination from the New York City Police Department, plaintiff's 1993 indictment, plaintiff's 2004 arrest and plaintiff's alleged drug use is denied.

7. Defendant's application requesting the Court's endorsement of subpoenas directed to the New York City

Police Department, the New York City Police Department Pension Fund and the Clerk of the Queens County Criminal Court is denied. I am aware of no provision of law that permits any of these entities to refuse to honor a subpoena issued by a member of the bar of this court, as an officer of the court. Defendant is of course free to serve Rule 45 subpoenas on these entities. Defendant is directed to serve copies of any such Rule 45 subpoenas on its adversary simultaneously.

8. Defendant's application to compel plaintiff to produce all documents relating to his home foreclosure and his bankruptcy filing is granted. Defendant's application to compel plaintiff to produce his tax returns from the years 2004-present is granted with regard to any portions of the tax returns that reflect earned income.

Dated: New York, New York  
November 9, 2009

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

Copies transmitted to:

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